

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BYRON ANDERSON	:	
Plaintiff	:	
v	:	Civil Action No. CCB-07-881
MARYLAND STATE POLICE	:	
HEADQUARTERS,	:	
and TROOPER HERNDON	:	
Defendants	:	

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MEMORANDUM

The above-captioned case was transferred to this court from the United States District Court for the Northern District of California. Paper No. 25. The complaint concerns plaintiff's allegation that he was assaulted by a Maryland State Trooper. Both defendants were served and filed responsive pleadings.

Currently pending in this case is a motion to dismiss filed on behalf of Maryland State Police Headquarters. Paper No. 7. In the motion, defendant asserts the complaint should be dismissed because it has not been filed against a person within the meaning of 42 U.S.C. § 1983.¹ *Id.* The Maryland State Police Headquarters is not a proper defendant and the motion to dismiss will be granted by separate order. *See Will v. Michigan Dep't of State Police*, 491 U.S. 58, 68 (1989) (the state is not a person within the meaning of 42 U.S.C. § 1983). With respect to the remaining defendant, Trooper Herndon, a scheduling order will govern the further progress of the case.

April 23, 2007
Date

_____/s/_____
Catherine C. Blake
United States District Judge

¹ The motion, filed in the California court, also asserts that the court did not have jurisdiction over the claim.